

MEMO ENDORSED

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November 27, 2009

Hon. Frank Maas
United States Magistrate Judge
United States District Court
500 Pearl Street
New York, New York 10007

*Mr. Banker is granted an
additional 30 days to restore
this case to the calendar.
Maas, USMJ,
11/30/09*

Re: Banker v. Ai, 06 Civ 4998 (BSJ)(FM)

Dear Judge Maas,

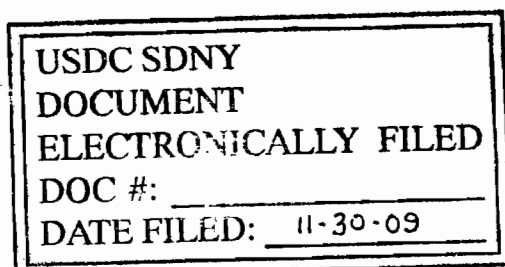
On behalf of my father, the plaintiff in the above-entitled proceeding, I respectfully inform the Court that the settlement negotiated on October 30, 2009 has not been consummated. As discussed in the November 24, 2009 letter from Edward Boyle, defendant Amy Ai has not funded her portion of the settlement, nor is she in a position to do so within 30 days of the Court's Order of Discontinuance.

Following the settlement conference on October 30, 2009, all parties worked together to draft a settlement agreement and release. With exception of Amy Ai and her counsel, all parties and all counsel have executed the agreement and releases. To my knowledge, the funds due to defendant Lois Ebin pursuant to the settlement have been paid to her counsel, in escrow, or are ready to be paid.

As mentioned by Mr. Boyle in his recent letter, I do not object to allowing Amy Ai an additional 30 days to fund her obligation under the settlement. I believe that none of the parties has voiced opposition to this request. It is, however, the province of the Court to determine if the request should be granted.

In the absence of the further order of this Court granting Amy Ai's application, I respectfully apply by this letter for restoration of this action to the active calendar of the Court.

Respectfully submitted,



Brooks Banker, Jr.

Hon. Frank Maas
November 27, 2009

cc: Edward Boyle, Esq.
Colin Kaufman, Esq.
Brett Carrick, Esq.
Joan Faley, Esq.
John Somoza, Esq.
Robert Giusti, Esq.